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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,574	01/09/2002	David Louis Kaminsky	TV-001-US	9641
31955	7590	03/15/2005	EXAMINER	
CAPSTONE LAW GROUP LLP 1810 GATEWAY DRIVE SUITE 260 SAN MATEO, CA 94404			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,574

Applicant(s)

KAMINSKY, DAVID L

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 11-28 and 30-58 is/are rejected.
- 7) ☐ Claim(s) 5, 8-10 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04/28/2002 . 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-58 are presented for the examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-18, 24, 25-26, 27-30, 31-38, 39 -40 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3. Claims 1, 24, 25, 27, 31, and 39 are directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, providing, adjusting and computing, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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4. Claims 31, 39, 42, 44, 46, 48, 50, 52-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is not clearly understood:

i. As to claims 31, 39, 42, 44, 46, 48, 50, 52-55, it is unclear who perform the “constructing” step (i.e. client or server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 41, 42, 53, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US. Patent 6,735,694 B1).

6. As to claim 1, Berstis teaches the invention substantially as claimed including: providing information from a server to a client (col 2, ln 29-32/ col 9, ln 47-50), accepting by the client, a request for information from a user (col 2, ln 5-10), constructing by the client, an identifier that specifies a source of the information (col 2, ln 14-20), the identifier including a differentiating indicator (col 2, ln 17-20), transmitting by the client, the identifier with the included differentiating indicator to the server(col 2, ln 20-22), information based on the differentiating

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indicator(col 2, ln 24-30), transmitting by the server the information from the server to the client(col 2, ln 28-30). Berstis does not explicit teach the term tailoring. However, Berstis teaches tailoring (obtains, col 2, ln 25-28). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the teaching of Berstis because Berstis's obtains would enable a user of a web browser to make a certified copy of a web page or other document object.

7. **As to claim 2**, Berstis teaches the identifier comprises a Uniform Resource Locator (col 2, ln 18-20).

8. **As to claim 3**, Berstis teaches the differentiating indicator comprises at least one of a device type identifier, a user group identifier, and a location identifier (col 2, ln 18-21).

9. **As to claims 41, 42, 53, 57**; they are apparatus claims of claims 1, 31; therefore, they are rejected for the same reasons as claims 1, 31 above.

10. Claims 4, 6, 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US. Patent 6,735,694 B1) in view of Freund (US. Patent 5,987,611).

11. **As to claim 4**, Berstis does not teach interpreting a code associated with an article of commerce. However, Freund teaches interpreting a code associated with an article of commerce (intercepts the command (e.g. HTTP requests)/intercepts the call and checks the rules and application database to see the application or a specific version of the application has the right to continued use of internet, col 29, ln 16-20 and ln 25-29).

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12. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Berstis and Freund because Freund's interpreting a code associated with an article of commerce would provide the system for monitoring and filtering of access to an open network, such as WAN or the Internet.

13. As to claim 6, Berstis teaches the identifier included the code associated with an article of commerce (col 6, ln 29-35).

14. As to claim 13, Freund teaches comparing the code associated with an article of commerce with at least one known code type (col 13, ln 34-30), defining the differentiating indicator to be the at least one known code type that matches the code associated with an article of commerce (col 13, ln 60-65).

15. As to claim 14, Freund teaches comparing the number of characters in each (col 13, ln 60-65).

16. As to claim 15, Freund teaches the checksum of each (col 13, ln 35-40).

17. As to claim 16, Freund teaches a user's activity (col 6, ln 8-12).

18. As to claim 17, Berstis teaches behavioral data (col 6, ln 10-12).

19. As to claim 18, Berstis teaches a user frequency of code use, and a user frequency of code category use (col 6, ln 10-12).

20. As to claim 19, Freund teaches a score according to a predefined algorithm (col 3, ln 64-68), selecting the information based at least in part on the value of the score (col 16, ln 23-29).

21. As to claim 20, Berstis teaches computing a score occurs at the server (col 2, ln 45-50).

22. As to claim 21, Freund teaches a score occurs at the client (col 15, ln 21-25 and ln 28-31).

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23. As to claim 22, Berstis teaches selecting the information occurs at the server (col 6, ln 43-47).

24. As to claim 23, Freund teaches selecting the information occurs at the client (col 3, ln 63-67).

25. Claims 7, 11, 12, 24-28, 30, 43-50, 54- 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US. Patent 6,735,694 B1) in view of Freund (US. Patent 5,987,611) and further in view of Danneels (US. Patent 6,038,598).

26. As to claim 7, Berstis and Freund do not teach mapping the identifier. However, Danneels teaches mapping the identifier (the URL to file mapping function identifies, col 3, ln 62-65).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Berstis, Freund and Danneels because Danneels's mapping the identifier would determine which one of the web page sets to return in response to a user's request.

28. As to claim 11, Berstis teaches the user identification data (col 6, ln 11-12).

29. As to claim 12, Berstis teaches in response to the user identification data(col 2, ln 5-10).

30. As to claim 24, it is an apparatus claim of claims 1, 4 and 7; therefore, it is rejected for the same reasons as claims 1, 4 and 7 above. In additional, Berstis teaches encrypted identifier (col 6, ln 41-46).

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31. As to claim 25, it is an apparatus claim of claim 24; therefore, it is rejected for the same reason as claim 24 above. In additional, Berstis teaches logging request for information (col 8, ln 1-2).

32. As to claim 26, Freund teaches header response (col 11, ln 41-46).

33. As to claim 27, it is an apparatus claim of claims 1 and 8; therefore, it is rejected for the same reasons as claims 1 and 8 above.

34. As to claims 28, 30, 43- 49, 50, 54, they are apparatus claims of claims 11, 24, 25, 27, 31; therefore, they are rejected for the same reasons as claims 11, 24, 25, 27, 31 above.

35. As to claim 55, it is an apparatus claim of claims 1 and 7; therefore, it is rejected for the same reasons as claims 1 and 7 above.

36. As to claim 56, it is an apparatus claim of claim 27; therefore, it is rejected for the same reason as claim 27 above.

37. Claims 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US. Patent 6,735,694 B1) in view of Novell (The Accelerated Web Server Model).

38. As to claim 31, Berstis teaches accepting by the client, a request for information from a user (col 2, ln 5-10), constructing by the client, an identifier that specifies a source of the information (col 2, ln 14-20), transmitting by the server the information from the server to the client, executing on the server (col 2, ln 28-30).

39. Berstis does not explicit teach content type. However, Novell teaches content type (static and dynamic content, page 1, ln 11-16).

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40. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Berstis and Novell because Novell's content type would provide the advantage of Border Manager's web server acceleration.

41. **As to claims 32, 33**, Berstis teaches the server to provide the selected content type, transmitting the information from server to the client using the selected content type (col 4, ln 5-15).

42. **As to claim 34**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.

43. **As to claims 35-36**, Novell teaches static / dynamic content (page 1, ln 11-16).

44. **As to claim 37**, Berstis teaches the designator is determined by the client (col 15, ln 27-31).

45. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US: Patent 6,735,694 B1) in view of Novell (THE Accelerated Web Server Model) and further in view of Freund (US. Patent 5,987,611).

46. **As to claim 38**, Berstis and Novell do not teach interpreting a code associated with an article of commerce. However, Freund teaches a code associated with an article of commerce (intercepts the command (e.g. HTTP requests)/intercepts the call and checks the rules and application database to see the application or a specific version of the application has the right to continued use of internet, col 29, ln 16-20 and ln 25-29).

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47. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Berstis, Novell and Freund because Freund's interpreting a code associated with an article of commerce would provide the system for monitoring and filtering of access to an open network, such as WAN or the Internet.

48. Claims 39, 40, 51, 52, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US. Patent 6,735,694 B1) in view of Buchholz(US. Patent 5,956,490).

49. As to claim 39, Berstis teaches constructing an identifier that specifies a source of the information (col 2, ln 14-20).

50. Berstis does not explicit teach compressing the supplementary data using a persistent compression, the compressed supplementary data within the identifier. However, Buchholz teaches compressing the supplementary data using a persistent compression, the compressed supplementary data within the identifier (compression unit, col 5, ln 21-25/ The URI to be compressed to as the request_URI (Uniform Resource Identifiers), col 2, ln 36-37).

51. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Berstis and Buchholz because Buchholz's compressing the supplementary data using a persistent compression, the compressed supplementary data within the identifier would reduce the transmitted packet size and make it less likely to collide with another transmission.

52. As to claims 40, 51, 52, 58, they are apparatus claims of claims 2, 39; therefore, they are rejected for the same reasons as claims 2, 39 above.

Allowable Subject Matter

53. Claims 5, 8-10, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

February 25, 2005


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100